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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 CHRISTOPHER COWAN,

9 Plaintiff,

10 v.

11 DR. BARNETT, *et al.*,

12 Defendants.

Case No. C17-1769-RAJ-MAT

ORDER DIRECTING PLAINTIFF TO
REQUEST OR DECLINE PRO BONO
COUNSEL

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14 Plaintiff Christopher Cowan is a state prisoner who is proceeding *pro se* and *in forma*
15 *pauperis* in this action brought under 42 U.S.C. § 1983. On January 4, 2018, after screening
16 plaintiff's civil rights complaint in accordance with 28 U.S.C. § 1915A(a), this Court ordered that
17 plaintiff's complaint be served on each of the defendants identified therein. (*See* Dkt. 6, 7.) On
18 March 2, 2018, defendants filed a motion to dismiss plaintiff's complaint under Rule 12(b)(6) of
19 the Federal Rules of Civil Procedure. (Dkt. 15.) That motion is currently ripe for consideration
20 on the Court's calendar. (*Id.*)

21 Plaintiff has not filed a response to defendants' motion to dismiss but, given the nature of
22 the medical issue raised in plaintiff's complaint, the Court is reluctant to construe plaintiff's lack
23 of response as a concession that dismissal is appropriate. The Court is inclined, instead, to grant

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1 plaintiff an additional opportunity to file a response to defendants' motion. However, before
2 establishing a new deadline for plaintiff to file such a response, the Court deems it appropriate to
3 first invite plaintiff to file a motion for appointment of pro bono counsel. Thus, if plaintiff wishes
4 for the Court to appoint pro bono counsel to represent him in this matter, plaintiff shall file a
5 request for appointment of counsel *no later than Friday, May 25, 2018*. Upon receipt of such a
6 request from plaintiff, the Court will seek to appoint pro bono counsel.¹

7 Defendants' motion to dismiss (Dkt. 15) is re-noted for consideration on *May 25, 2018*. If
8 plaintiff requests appointment of counsel by that date, the Court will re-note defendants' motion
9 again to allow time for the Court to locate counsel and for appointed counsel to file a response to
10 the motion. If plaintiff does not request appointment of counsel, the Court will proceed to issue a
11 ruling on defendants' motion to dismiss.

12 The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants,
13 and to the Honorable Richard A. Jones.

14 DATED this 3rd day of May, 2018.

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16 Mary Alice Theiler
17 United States Magistrate Judge
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23 ¹ Plaintiff is advised that there is no guarantee that pro bono counsel can be retained, but the Court will make every effort to locate counsel should plaintiff indicate a desire to proceed with representation.